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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

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Applicant's or agent's file reference PF020064	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)
International application No. PCT/EP 03/50216	International filing date (day/month/year) 05.06.2003	Priority date (day/month/year) 13.06.2002	
International Patent Classification (IPC) or both national classification and IPC H04L12/28			
Applicant THOMSON LICENSING S.A. et al			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability


IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 06.01.2004	Date of completion of this report 17.09.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Forster, G Telephone No. +49 89 2399-8986



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/50216**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

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EXAMINATION REPORT - SEPARATE SHEET**

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to section V.

1. The present invention relates to a communication device, to a system, to a communication method and to a computer program product, according to the features of the four independent claims 1, 9, 10 and 11 respectively.
2. The cited documents in the international search report do not get closer to the subject-matter of the independent claims than the documents already acknowledged by the applicant.
3. According to the features of the independent claims the inventive step consists in that means are provided for updating signalization tables comprised in the incoming data, and means for inserting the modified signalization tables in the stream sent to the local area network.

The underlying concept is not disclosed in or rendered obvious by the cited prior art documents. The subject-matter of the independent claims thus fulfils the requirements of Article 33 PCT.

4. The dependent claims 2 to 8 contain further details on the subject-matter of claim 1. These dependent claims merely limit the scope of protection sought by claim 1 and are therefore also considered to fulfil the requirements of Article 33 PCT.

Remarks concerning formal deficiencies

1. Reference signs in parentheses should have been inserted in the claims to increase their intelligibility, Rule 6.2(b) PCT.

Remarks concerning clarity deficiencies

1. The wording 'intended to ...' in claims 2, 3, 5, 8 and 'preferably intended to ...' in claim 10 does not meet the requirements of Article 6 PCT with respect to clarity, because this wording is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear, contrary to Article 6 PCT.

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This wording should not have been used at all.

The same objection holds for the wording 'enabling to ...' in claims 1, 9 and 10. This wording should also have been avoided leading to a formulation such as 'means for establishing ...'.

2. Claims 1 to 3, 5, 6, 8 and 9 do not meet the requirements of Article 6 PCT with respect to clarity, because they contain a mixture of method and apparatus features i.e. 'network connecting ...', 'means enabling to establish ...', 'means to remove ...' etc. In order to meet the requirements of Article 6 PCT with respect to clarity, the device/system claimed in these claims should have been defined by apparatus features such as 'means configured/adapted/arranged to' or just 'means for ...' and not by the steps of a method or process.
3. Independent claim 11 is unclear because the formulation '... for executing the steps of the method for ... according to claim 10 ...' is too vague. Instead a formulation should have been chosen leaving no doubt that the program instructions execute each of the steps of the method according to claim 10, when the program is loaded on a computer.
4. Claim 9 can not depend on itself as is stated in this claim. This should have been corrected accordingly. Claim 10 refers to a device according to one of the claims 1 to 9. The device however is disclosed in one of the claims 1 to 8. This too should have been corrected accordingly.